

P-999/M-95-357

ORDER APPROVING CUSTOMER EDUCATION PROPOSAL AND TRANSITIONAL
DIALING PLAN AND DECLINING TO REOPEN DELIBERATIONS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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In the Matter of the 612 Area Code
Numbering Plan Area Exhaust Case

ISSUE DATE: December 12, 1995

DOCKET NO. P-999/M-95-357

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PROCEDURAL HISTORY

On August 23, 1995, the Commission issued its ORDER SETTING METHOD FOR INTRODUCING NEW AREA CODE IN MINNESOTA in the above-captioned docket. In that Order the Commission decided upon the basic method of providing numbering relief for the (612) area code, which faced prefix exhaustion. Under the plan, the Twin Cities metropolitan calling area (MCA) would retain the (612) area code and most other (612) exchanges would be assigned to a new area code.

In the August 23 Order, the Commission ordered the Numbering Plan Administrator and the local exchange companies (LECs) serving the (612) area code to submit a proposed time line (including the start and end date of permissive dialing) and proposed customer education methods for implementing the new (320) area code.

On October 20, 1995, representatives of the Minnesota telecommunications industry submitted a proposed customer education plan and transitional dialing period for the implementation of the (320) area code.

On November 3, 1995, the Commission issued its ORDER AFTER RECONSIDERATION.

Through November 13, 1995, approximately 160 customers from the LeSueur, LeCenter, Montgomery, and Henderson exchanges contacted the Commission by telephone or letter regarding the Commission's placement of these exchanges into the (507) area code. The majority of customers contacting the Commission favored inclusion of the four exchanges in the (612) area code. Petitions favoring inclusion in the (612) area code were also submitted.

On November 20, 1995, the Residential Utilities Division of the Office of the Attorney General (RUD-OAG) filed comments recommending that the Commission reconsider the placement of the Henderson, Montgomery, LeCenter, and LeSueur exchanges. The RUD-OAG supported transferring these exchanges, slated for inclusion in the (507) area code, into the (612) area code.

On November 21, 1995, the Commission responded to the interest from customers in the above four exchanges by allowing interested parties from the exchanges to address the Commission regarding the area code choice for their communities.¹ Approximately 18 persons from the LeCenter, LeSueur, Montgomery, and Henderson exchanges addressed the Commission on these issues. Each of the commenters recommended that the Commission reconsider its prior Order and place the four exchanges into the (612) area code rather than the (507) area code. The RUD-OAG also spoke in support of this change. The Department of Public Service (the Department) recommended that the Commission stay with its prior decision, which assigned the four exchanges to the (507) area code.

The Commission met on November 22, 1995, to consider these matters.

FINDINGS AND CONCLUSIONS

I. THE PROPOSED CUSTOMER EDUCATION PLAN AND TRANSITIONAL DIALING PERIOD

The Minnesota telecommunications industry plans a massive effort to inform all Minnesotans of the new area code and its impact on customers. The education plan will be implemented through bill inserts; news releases; direct mail letters to PBX customers; brochures; a speakers' bureau; direct mail to business organizations with an enclosed sample article; contacts with key community leaders and legislators; direct mail brochures to all businesses in the (320) area code; contacts with government agencies, 911 and alarm service providers; bill messages; and radio, television, and newspaper ads.

The proposed transitional, or permissive, dialing period will be from March 17, 1996, to September 15, 1996. During this period, customers will have the option of reaching parties in the new area code by dialing (320) or (612). Customers will have the option of reaching parties transferred to the (507) area code by dialing (507) or (612). After the transitional period ends, customers in the new area code will only be reached by dialing (320) and customers transferred

¹ Because the exchanges of Arlington, Green Isle, and Gaylord were also moved from the (320) area code to the (507) area code in the Commission's ORDER AFTER RECONSIDERATION, the Commission included customers from these exchanges in its notice of the opportunity to comment regarding their area code assignment. The Commission did not receive any oral or written comment from the Arlington, Green Isle, or Gaylord exchanges, nor did any customer from the three exchanges request an opportunity to address the Commission.

to the (507) area code will only be reached by dialing (507).

The Commission finds that the telecommunications industry has submitted well-structured and thorough customer education and transitional dialing plans. The educational effort includes effective means to inform customers of the dialing changes. The transitional period should allow customers sufficient time to make the dialing changes with the least possible disruption.

The Commission will approve the proposed customer education plan and transitional dialing period for use as a planning guide by the telecommunications industry.

II. THE LESUEUR, LECENTER, HENDERSON, AND MONTGOMERY EXCHANGES

A. Introduction; Summary of Commission Action

Throughout the history of this proceeding, the Commission has carefully considered written and oral comments of customers affected by the renumbering plan. In the current phase of this docket, customers from the LeSueur, LeCenter, Henderson, and Montgomery exchanges (the Four Exchanges) have been given a second opportunity to address the Commission regarding their concerns. The Commission has listened carefully as the comments were offered.

The Commission sympathizes with the expressions of monetary burden and inconvenience associated with the transfer of the Four Exchanges into the (507) area code. The Commission is convinced, however, that the mode of area code numbering relief established in the August 23 Order, with modifications addressing specific fact patterns set out in the November 3 reconsideration Order, remain the best means of achieving *statewide* numbering relief.

The Commission remains convinced that the principles of its prior Orders are just and reasonable and that they are in the widest possible public interest. There are no facts in dispute. The Commission will therefore not reopen its previous decisions or alter them in any way.

In the remainder of this Order, the Commission will trace the development of its final renumbering plan, and explain its finding that the November 3, 1995, reconsideration Order properly placed the Four Exchanges in the renumbering framework.

B. The Development of the Commission's Area Code Numbering Relief Plan

1. The Problem Addressed

In April, 1995, the Numbering Plan Administrator responsible for the assignment of telephone numbers in the state of Minnesota informed the Minnesota telecommunications industry that an exhaustion of prefixes in the (612) area code could occur as early as the third quarter of 1996.

When the telephone industry failed to reach consensus regarding the resolution of the numbering issue, the Commission solicited public comment and proceeded to a numbering solution.

2. The August 23, 1995, Order

In its August 23 Order, the Commission chose the geographical split method of renumbering as the basic framework of the plan. The Commission gave solid reasons for its choice: the method is customer-friendly and not unduly confusing; it allows customers to retain seven-digit dialing for as long a period as possible; it is the traditional method for resolving number exhaustion crises; and it is as competitively neutral as possible.

The Commission determined that the MCA would retain the (612) area code. The Commission gave its reasons for assigning the (612) area code to the MCA: it allows areas west of the Twin Cities to be assigned a new area code which covers a specific geographic area and which will not face exhaustion any time in the near future; and it will concentrate any future relief measures in the Twin Cities area, which is the site of dramatic usage growth.

In the August 23 Order, the Commission recognized the unique nature of the five Southeastern Exchanges of Red Wing, Goodhue, Wabasha, White Rock, and Lake City as it placed them in the (507) area code. The Commission placed all remaining non-MCA (612) exchanges into the new (320) area code.

3. The November 3, 1995, Order After Reconsideration

The Commission received petitions for reconsideration of its August 23 Order from a consortium of business entities from the Red Wing area; the Department; Bridge Water Telephone Company; GTE Minnesota; and Sherburne County Rural Telephone Company.

The Commission received over 1500 telephone calls, faxes, letters and petition signatures, most of which asked the Commission to reconsider some part of the August 23 Order. The Commission allowed all interested parties to address the Commission regarding their concerns.

After careful consideration of the oral and written comments, the Commission issued its November 3, 1995, ORDER AFTER RECONSIDERATION. The Commission found that, among the many comments, three fact patterns emerged which warranted reconsideration.

a. The Five Southeastern Exchanges

In the first fact pattern addressed upon reconsideration, the Commission decided that the five Southeastern Exchanges should remain in the (612) area code rather than move to the (507) area code.

From the first, the Commission had recognized that the five Southeastern Exchanges are uniquely situated as a geographical peninsula set between and adjacent to the MCA and the

(507) area code. They are completely separate from the renumbered (320) area code and would not be readily seen as included in any mass educational campaign regarding renumbering.

In the comment period upon reconsideration, the Commission was first made aware of the unique burden which would fall on the Southeastern Exchanges if they were placed in the (507) area code. Because inclusion in the (507) area code would result in prefix duplication for the Red Wing and Lake City exchanges, many customers in these exchanges would be required to replace both their telephone numbers and their area codes. The parties stated that this situation would result in serious disruption, expense, and safety concerns. The Commission balanced the unique burdens of this situation against the potential benefit to the renumbering plan, and found that the burdens outweighed the possible benefits. Because the five Southeastern Exchanges can logically only be treated together (due to their unique peninsular location totally separate from the new area code), the Commission decided upon reconsideration that the five exchanges should remain in the (612) area code.

b. The Edge Communities

The Commission next turned to the remaining petitions and comments from exchanges slated for inclusion in the (320) area code. From these, the Commission discerned two specific fact patterns which required a closer look upon reconsideration. Relief in these cases was warranted and attainable within the basic framework of the renumbering plan and effort.

In its November 3, 1995, reconsideration Order, the Commission described the two types of situations as “the edge communities seeking inclusion in the (612) area code” and “the southwestern edge communities.”

In one fact pattern, (612) area code communities contiguous to the Twin Cities metropolitan local calling area, now destined for transfer to the (320) area code, have demonstrated their strong ties to the metropolitan area and their strong preference for inclusion in the (612) area code. These communities either have EAS to at least one metropolitan exchange or have pending EAS petitions to the metro local calling area.

In another fact pattern, communities to the southwest of the metropolitan calling area, destined for transfer from the (612) area code to the new area code under the August 23 Order, have indicated their first or second preference for the (507) area code over the (320) area code.

Order at p. 14.

i. The Edge Communities Seeking Inclusion in the (612) Area Code

Upon reconsideration, the Commission found that ten Edge Communities² contiguous to the MCA should remain in the (612) area code rather than be placed in the (320) area code. For eight of these exchanges, transfer from the (612) area code to the (320) area code would mean that their present seven-digit dialing for EAS to their metro exchange or exchanges would become ten-digit dialing³. The change would remove much of the “community linkage” the subscribers bargained for when they voted in EAS, and would be inconsistent with a major goal of the numbering plan.

Four of the ten Edge Communities in this fact pattern, (two of whom also had EAS to at least one metro exchange) had pending EAS petitions to the MCA. These exchanges had demonstrated their strong link and commitment to the MCA by their willingness to undergo the lengthy and somewhat complicated EAS petition process.

Significantly, the Commission did *not* find that the Annandale exchange, which also requested transfer from the (320) area code back to the (612) area code, fit the fact pattern shared by the ten Edge Communities. The Commission’s decision regarding Annandale summarized its conclusions regarding both the narrow range of the fact pattern and the importance of maintaining the overall renumbering plan:

The Commission notes that the characteristics of the aforementioned ten Edge Communities are not in most cases shared by the Annandale exchange, which also protested inclusion in the (320) area code. Annandale is not contiguous to the metro calling area, and does not have either EAS to a metro exchange or a pending metro EAS petition. Inclusion of this non-contiguous exchange in the (612) area code would require abandonment rather than adjustment of geographic distinction for the (612) area code.

Order at p. 16.

ii. The Southwestern Edge Communities

The Commission determined upon reconsideration that seven Edge Communities⁴ to the southwest of the (612) local calling area should be placed in the (507) area code rather than the (320) area code. These Southwestern Edge Communities stressed the burdens that would befall them if they were placed in the (320) area code. In some cases, safety concerns would arise if

² Enfield, Becker, Glen-Santi, Taylors Falls, Almelund, New Germany, Montrose, Waverly, Watertown, and Princeton

³ Unless the exchange’s prefix were withheld from the (612) renumbering plan, an action which would nullify any possible benefit.

⁴ LeCenter, LeSueur, Montgomery, Henderson, Arlington, Green Isle, and Gaylord.

LeSueur County (in which many of the exchanges were at least partially located) were divided into three “slices” by three different area code assignments.

The Commission particularly noted that these exchanges gave (507) as their first or second choice for area code assignment. The Commission placed emphasis upon this circumstance at p. 17 of its ORDER AFTER RECONSIDERATION:

If [the exchanges] are transferred into the (507) area code they will not contribute to future (612) area code exhaustion. Inclusion in the (507) area code, which does not expect to face exhaustion for at least 20 years (in the unlikely event that telephone technology has not prevented exhaustion before that time), will not cause future number disruption. No harm will befall the renumbering effort, and much very real burden and disruption for these ratepayers will be prevented.

The Commission balanced the burdens and benefits to the exchange customers, assessed the potential burden to the basic renumbering effort, and found that these exchanges should be placed into the (507) area code rather than the (320) area code.

C. Commission Analysis and Decision

Representatives of the business communities in the Henderson, LeSueur, LeCenter, and Montgomery exchanges, as well as their legislative representatives, expressed dissatisfaction with the Commission’s reconsideration Order, in which the exchanges (as well as three other Southwestern Edge Communities) were moved from the (320) area code to the (507) area code. Commenting parties stated that they now found (507) an unacceptable area code placement. They asked the Commission to reconsider by placing them in the (612) area code.

Commenting parties from the Four Exchanges discussed the burdens of replacing business stationery and letterhead. They stated that they would lose the competitive business advantage of being considered part of the Twin Cities metropolitan community. The parties stated that telecommuting and communications from their area to the Twin Cities would be facilitated by use of the (612) area code. Although they were aware of the likelihood of further numbering disruption if included in the (612) area code, speakers from the Four Exchanges expressed willingness to cast their lot with the (612) area code.

The Commission has listened carefully to the comments from the Four Exchanges, and is sympathetic to the burdens expressed by the parties. The Commission must remain aware, however, that it is responsible for fashioning a renumbering plan for the public interest of *all* Minnesota ratepayers. In this process, it is unfortunately inevitable that some telephone customers will face burdens in the adjustment. Customers in the (320) area code, for instance, will face the effort of adjusting to a new area code. Because a renumbering plan *must* be fashioned to prevent imminent prefix exhaustion in the (612) area code, burdens upon customers alone cannot justify a change in direction.

The Commission has determined the proper framework for logical and efficient renumbering relief, and must hold to that basic structure. This is the only way that meaningful renumbering relief can be accomplished. It is also in the public interest to hold to the basic framework so that affected customers will be able to understand the system and their placement in it.

The Commission has allowed some adjustment of the MCA-based renumbering structure in certain specific fact patterns. The Four Exchanges do not fit into either of the two patterns in which the Commission found reason upon reconsideration for adjusting the (612) area code to include certain exchanges. The Four Exchanges do not share the unique location, the prefix duplication, or attendant safety concerns of the five Southeastern Exchanges.⁵ Neither do the Four Exchanges share the circumstances of the ten Edge Communities, which are all contiguous to the MCA⁶ and have either EAS to a metro exchange or a pending EAS petition to the MCA. The Commission found, and continues to find, that only these distinctive fact patterns justify including more exchanges in the rapidly exhausting (612) area code.

In its ORDER AFTER RECONSIDERATION, the Commission found that the Four Exchanges, along with the other three Southwestern Edge Communities, showed sufficient burden from inclusion in the new area code *to justify their placement in (507)*, an area code which did not face imminent exhaustion and a move which would not hinder the (612) area code relief plan. The circumstances of the Southwestern Edge Communities did not rise to the level which would justify any compromise of (612) area code numbering relief efforts. If placed against other Edge Communities, the Four Exchanges would be analogous to the Annandale exchange, whose request for inclusion in the (612) area code the Commission declined. The Commission's discussion of its decision regarding Annandale would apply equally to the Four Exchanges:

The Commission sympathizes with the real burden of adjustment placed upon Annandale subscribers, as well as upon other subscribers in the new (320) area code. Unfortunately, a burden will inevitably fall upon some subscribers as (612) area code numbering relief is accomplished. The Commission cannot, however, abandon the plan if it is to prevent a telecommunications crisis in the state. The Commission must therefore tailor its relief to the specific characteristics of the exchanges. The ten [Edge Communities] have demonstrated characteristics which are consistent with a logical adjustment to the overall relief plan; Annandale has not.

Order at p. 16.

In placing the Four Exchanges in the (507) area code, the Commission also looked to community of interest. None of the exchanges has EAS to the MCA. Henderson has expressed

⁵ Safety concerns raised regarding the division of LeSueur County into three "slices" by assignment of the mid portion to the (320) area code are resolved by shifting this mid portion from (320) to (507).

⁶ While Montgomery, LeSueur, and Henderson are contiguous to the MCA, LeCenter is not.

the need to be placed with LeSueur, with which it shares a consolidated school district. LeSueur, Montgomery, and LeCenter are contiguous to the (507) area code; LeCenter is not contiguous to the MCA. Montgomery has EAS to Kilkenny, a (507) exchange. A number of comments both before and after reconsideration expressed satisfaction with placement in the (507) area code. While the Four Exchanges may indeed have close ties to the (612) area code, their linkage with (507), considered in the context of the overall renumbering effort, sufficiently supports their placement in the (507) area code.

The Commission disagrees with the RUD-OAG's reasons for its recommendation to move the Four Exchanges into the (612) area code. The RUD-OAG states that the prospect of dividing LeSueur County into three "slices" constitutes a unique situation justifying departure from the renumbering plan. The Commission has noted, however, that movement of the mid section of the County from the (320) area code into the (507) area code relieves the "three area code" situation as well as would placement of the section in the (612) area code. The RUD-OAG also states that the Four Exchanges' first preference for the (612) area code should be honored in the absence of any strong public policy to do otherwise. The Commission asserts that the imminence of prefix exhaustion is itself a strong public policy reason to hold fast to the structural renumbering relief framework, in the absence of the circumstances for which the Commission has previously allowed adjustment.

The Commission agrees in this case with the reasoning of the Department, which recommended that the Commission decline to reopen its reconsideration Order for further deliberations. The Department recommended that the Commission analyze each exchange's fact situation to determine if it fits the range of circumstances justifying adjustment of the MCA-based (612) area code. The Department characterized these circumstances as: local calling to the MCA in the case of the Edge Communities; and lack of contiguity to the (320) area code and prefix duplication in the case of the five Southeastern Exchanges. Once the framework is applied, the Commission should balance the relative burdens and benefits to the communities and the statewide renumbering effort, and form a final decision.

Having looked at the statewide numbering relief effort, listened carefully to the comments of the Four Exchanges, applied the principles developed in its two earlier Orders, and balanced the relative burdens and benefits to the exchange customers and the overall relief efforts, the Commission has determined that the Four Exchanges must remain in the (507) area code. The Commission will therefore decline to reopen deliberations of its November 3, 1995, ORDER AFTER RECONSIDERATION.

ORDER

1. The Commission approves the proposed customer education plan and transitional dialing period for use as a planning guide for the telecommunications industry.

2. The Commission declines to reopen deliberations of its November 3, 1995, ORDER AFTER RECONSIDERATION.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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